IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE V.ESWARAIAH

WRIT PETITION NO. 17943 OF 2006

Dated : April 24, 2007

Between:

M/s. Jai Electronics, Shop No. 5-1-750/11/1,
Haridas Market, Bank Street, Koti, Hyderabad,
Rep. By its Proprietor, Mr. Thakur Chandrahas Singh

Petitioner

AND

The State of Andhra Pradesh,
Rep. By the Inspector of Police,
Sultan Bazar Police Station,
Sultan Bazar, Hyderabad.

Respondent

THE HON'BLE MR. JUSTICE V.ESWARAIAH

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ORAL ORDER:

The case of the petitioner is that he is a tenant in the shop bearing MCH No. 5-1-750/11/1, Haridas Market,

Bank Street, Koti Hyderabad, which was leased out by its owner Sri Paresh Kumar. The petitioner was inducted as a tenant in December, 2005. It is stated that while so, one Mr. Jai Prakash Joshi, trespassed into the shop with some unsocial elements and started interfering with the business of the petitioner on the plea that he has lent money to the earlier tenant namely Y.S.D. Prasad and demanded for the repayment of the said loan. It is also stated that since the said Jai Prakash was frequently interfering with the smooth running of the business, the petitioner filed OS No. 310 of 2005 on the file of the III Junior Civil Judge, City Civil Court, Hyderabad, seeking perpetual injunction restraining him from interfering with the smooth running of the business and the said suit ended in compromise between the petitioner and the said Jai Prakash on 24.2.2006, before the Lok Adalath. Thereafter, the respondent herein i.e. the Station House Officer, Sultan Bazar Police Station, unlawfully and without any cause of action called the petitioner to the Police Station on 17.08.2006 and directed him to close down the business on the plea that some creditors of the earlier tenant approached Police Station for recovery of the said amount.

I am of the opinion that the police cannot interfere with the personal life and liberty of the petitioner and with

regard to the carrying on of the business, unless a crime has been registered against the petitioner. But without making any representation to the Commissioner of Police, with regard to the alleged action on the part of the respondent, it may not be just and proper to straightaway approach this court seeking a writ of mandamus to direct the respondents not to interfere with his personal life and liberty. No doubt, the police have no right or authority to interfere with the business of the petitioner, but for such illegal actions being made, it is just and proper to make representation to the Commissioner of Police for taking appropriate departmental action. Having regard to the facts and circumstances of the case, the writ petition is dismissed with a liberty to the petitioner to make representation to the Commissioner of Police for the alleged illegal actions. If the petitioner is aggrieved by the same, it is always open for the petitioner to approach this court.

Consequently, the writ petition fails and is accordingly dismissed. No order as to costs.

JUSTICE V.ESWARAIAH

April 24, 2007
MAS